

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOHN DOE,  
*Plaintiff*

v.

TEXAS STATE UNIVERSITY SYSTEM,  
TEXAS STATE UNIVERSITY,  
VINCENT LUIZZI, KAREN MEANEY,  
ANN WATKINS, and CHARMAINE  
MAZZANTINI  
*Defendants.*

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Civil Action No. 1:18-cv-930

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**DEFENDANTS' NOTICE OF REMOVAL**

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Now Come Defendants Texas State University System, Texas State University ("TSUS" and "TSU," respectively) and Vincent Luizzi, Karen Meaney, Ann Watkins, and Charmaine Mazzantini ("Official-capacity Defendants") (collectively, "Defendants") and file this Petition for Removal and respectfully shows this Court the following:

1. This removal is pursuant to 28 U.S.C. 1441(a). Plaintiff John Doe sued Defendants alleging violations of the Title IX, 20 U.S.C. §1681, *et. seq.* ("Title IX"); U.S. Const. Amd. 5, 14; 42 U.S.C. § 2000e-5(f) "Title VII", *et. seq.*, and other state-law causes of action. Because claims arising under the laws of the United states are asserted, this Court has federal question jurisdiction and removal is proper. 28 U.S.C. § 1331; *id.* § 1441(a).

2. Plaintiff is a tenured professor at Texas State University against whom the University has recommended a sanction of termination based on violations of the University's Sexual Misconduct Policy. He alleges that Defendants are denying him due process—despite the fact that no due process hearing has yet occurred and no sanction

has been imposed. He also claims that he has been subjected to gender discrimination in violation of Title IX of the Education Amendments of 1972 due to an erroneous outcome of a sexual misconduct investigation, selective enforcement of the sexual misconduct policy, hostile environment/gender discrimination, and deliberate indifference. He also alleges retaliation under Title VII of the Civil Rights Act of 1964 for filing a grievance against his supervisor. He also alleges that Defendant Meaney tortuously interfered with his contract with the University. He further asserts that the official-capacity defendants acted ultra vires in interpreting and apply the University's Sexual Misconduct Policy. Plaintiff seeks declaratory and injunctive relief. Specifically, he seeks declarations that the University's policies and the Official-capacity Defendants' actions under them violate his right to due process and an injunction preventing the University from conducting a due process hearing.

2. This action was originally filed in the 274<sup>th</sup> Judicial District Court of Hays County, Texas, as Cause No. 18-2329. Plaintiff is John Doe; Defendants are TSUS, TSU, and Vincent Luizzi, Karen Meaney, Ann Watkins, and Charmaine Mazzantini in their official capacities. Venue is proper in the United States District Court for the Western District of Texas, Austin Division under 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district and division.

3. Plaintiff, who a tenured professor at TSU, filed his state court action on October 10, 2018, and an amended petition on October 29, 2018 asserting Title IX claims. The Amended Petition asserting federal claims was served on Defendants on

October 29, 2018, from which Defendants have thirty (30) days to remove. 28 U.S.C. §1446(b). Therefore, this removal is timely.

4. Plaintiff did not make a demand for a trial by jury within his Original Petition or Amended Petition.

5. A copy of all process, pleadings, and orders served upon, or by, Defendants in the state court suit are being filed with this notice as required by 28 U.S.C. §1446(a).

6. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

**PRAYER**

ACCORDINGLY, Defendants pray that this cause be removed to the United States District Court for the Western District of Texas, Austin Division, pursuant to §1441 of Title 28 of the United States Code.

Respectfully submitted.

**KEN PAXTON**  
Attorney General of Texas

**JEFFREY C. MATEER**  
First Assistant Attorney General

**BRANTLEY STARR**  
Deputy First Assistant Attorney General

**JAMES E. DAVIS**  
Deputy Attorney General for Civil Litigation

**DAVID A. TALBOT, JR.**  
Acting Chief - General Litigation Division

/s/ Emily Ardolino

**EMILY ARDOLINO**

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*ATTORNEYS FOR DEFENDANTS*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Notice of Removal served through CM/ECF filing, on October 29, 2018, to:

David K. Sergi

David K. Sergi and Associates, P.C.

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*ATTORNEYS FOR PLAINTIFF*

/s/ Emily Ardolino

**EMILY ARDOLINO**

Assistant Attorney General